

United States District Court

for

Middle District of Alabama

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**

(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Unique C. Muskelly

Case Number: 2:06CR173-01-MHT

Name of Sentencing Judicial Officer: The Honorable Myron H. Thompson, U. S. District Judge

Date of Original Sentence: July 19, 2007

Original Offense: Conspiracy to Steal Social Security Checks

Original Sentence: 3 years probation

Type of Supervision: Probation

Date Supervision Commenced: July 19, 2007

PETITIONING THE COURT

- ☐ To extend the term of supervision for __ years, for a total term of __ years.
☒ To modify the conditions of supervision as follows:

The defendant shall reside in a Community Corrections Center maintained or under contract to the Federal Bureau of Prisons for a term of three (3) months and shall comply with the rules of that facility. This term shall begin upon the defendant's surrender to the facility at the time directed by the probation officer.

CAUSE

On July 19, 2007, Unique Muskelly was sentenced to a three year term of probation after her conviction for Conspiracy to Steal Social Security Checks. As a condition of her probation, the court ordered her to serve a six-month term of home confinement. On August 7, 2007, Muskelly began her term of home confinement. The conditions of the home confinement program were reviewed with her and she acknowledged an understanding of all the conditions of the home confinement program. Muskelly's term of home confinement is scheduled to terminate on February 6, 2008. However, it appears that Muskelly has violated the conditions of the home confinement program as described below:

Violation No. 1: At approximately 10:11p.m. on November 28, 2007, Muskelly unplugged the electronic monitoring equipment's power supply and phone connection and departed her residence without authorization from her probation officer. Since the electronic monitoring equipment contains a battery backup system, her departure was recorded and transmitted to a probation officer when the phone line was reconnected at approximately 7:30 a.m. on November 29, 2007. Subsequently, USPO David Conoly was notified of the violation and immediately contacted Muskelly. Muskelly advised that she was at home all night and denied leaving her residence. She was instructed to report to the U.S. Probation Office to discuss the situation.

After reporting to the probation office, Muskelly and her mother, Evelyn Rumbolt, met with USPO Conoly and Muskelly was again questioned about her location during the previous evening. Muskelly admitted that she unplugged the electronic monitoring equipment and left her residence to spend the night with a man who lived around the corner. Ms. Rumbolt related that she attempted to deter her actions, but Muskelly departed the home anyway. Ms. Rumbolt also advised that Muskelly wanted to go out last week, but she was able to stop her from leaving.

Muskelly expressed remorse for her actions and agreed to have her conditions of probation modified which would require she serve three (3) months in a community corrections facility upon the completion of her term of home confinement. Therefore, the probation officer is recommending that the conditions of probation be modified for Muskelly to reside in a community corrections facility maintained or under contract to the Federal Bureau of Prisons for a term of three (3) months. This officer believes that the modification of her conditions of supervised release will address the violation. Muskelly signed the attached waiver agreeing to the modification. Muskelly was also advised that any further violations of electronic monitoring will result in the probation officer seeking revocation of her probation.

Respectfully submitted,

by /s/ David A. Conoly
David A. Conoly
U.S. Probation Officer
Date: December 5, 2007

Reviewed and approved: /s/ David Ron Thweatt
David Ron Thweatt
Supervisory U.S. Probation Officer

THE COURT ORDERS:

- ☐ No Action
- ☐ The Extension of Supervision as Noted Above
- ☒ The Modification of Conditions as Noted Above
- ☐ Other

/s/ Myron H. Thompson
Signature of Judicial Officer

December 6, 2007
Date